

*B1
cont'd*

4. A process for obtaining a glycoprotein according to claim 1, comprising producing a membrane preparation from cells of the human adenocarcinoma cell line 23132, and obtaining the glycoprotein therefrom by size-exclusion and/or anion-exchange chromatography.

REMARKS

Claims 1-4 have been amended to place them in a form more consistent with U.S. practice.

Applicants elect the claims of Group I (claims 1-4), with traverse. A search of the glycoprotein of Group I is necessarily co-extensive with a search of any of the remaining claims, drawn to methods of using that glycoprotein. Therefore, a search of any of the remaining groups of claims would not constitute a serious burden on the Examiner. In the absence of a serious burden of examination, restriction is not proper. MPEP §803. Thus, the requirement should be withdrawn.

In any event, applicants reserve the right to rejoin one or more of the method of using claims falling within Groups II and VII, pursuant to the Official Gazette Notice regarding the *In re Ochiai*, 37 U.S.P.Q.2d 1127 (Fed.Cir. 1995), and *In re Brouwer*, 37 U.S.P.Q.2d 1663 (C.C.P.A. 1996) decisions. See also M.P.E.P. §821.04.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made."

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

Nancy Axelrod

Anthony J. Zelano, Reg. 27,969
Attorney for Applicant(s)
Nancy J. Axelrod, Reg. 44,014
Patent Agent

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Filed: February 21, 2001

NJA/jph K./PAT/WEICK/2/Response to Restriction Requirement.wpd

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1-4 have been amended as follows:

1. A Glycoprotein glycoprotein that comprises at least one section of the amino acid primary structure of CD55 and a tumor-specific glycostructure.
2. A Glycoprotein glycoprotein according to claim 1, wherein characterized in that the glycostructure reacts with monoclonal antibody SC-1.
3. A Glycoprotein glycoprotein according to claim 1, wherein which, in SDS-polyacrylamide-gel electrophoresis, it exhibits an apparent molecular weight of 82 kD.
4. A Process process for obtaining a glycoprotein according to claim 1, wherein comprising producing a membrane preparation preparations are produced from cells of the human adenocarcinoma cell line 23132, and obtaining the glycoprotein is obtained therefrom by size-exclusion and/or anion-exchange chromatography.